Edn & P.H (1939) Department

No. SERIES

G.O. No. 639 P.H

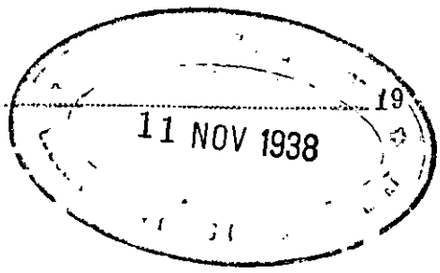
DATED 21-2-1939

[Despatch Abstract.]

Endowments - Charitable - Mangalore Town Hall Trust Fund - Expenditure - Orders passed.

C.F. 36.

DEPARTMENT.



Received 19

48914

Registered 19

Subject.

Town Hall Funds - Expenditure - Procedure to be adopted - Instructions - Requested.

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ENCLOSURES.
No. .....
.....
Spare copies .....

No. 11492/38/D2

Station MANGALORE, , *Dated the* 8th November 19 38

From (Name) Sri B. Venkatrao Baliga, B.A., B.L., M. L. A.,
(Designation) President, Town Hall Trust, MANGALORE.

To The Secretary to the Government of Madras,
EDUCATION & PUBLIC HEALTH
Department.
FORT ST.GEORGE, MADRAS.

Sir,

#7-8 of (S)

In G.O.No.1591 P.H., dated the 29th April 1938, Government have sanctioned a scheme for the administration of the Mangalore Town Hall Endowment Fund. Agreeably to the provisions of the said scheme the Board of Trustees has been constituted and this Board at its meeting held on 26th September 1938 resolved to request the Government to permit Mr. J. Fernandez, the Consulting Architect to Government to give a suitable design for the Town Hall and the Board also undertook to pay the travelling allowances etc.

of

of Mr. Fernandez if he found it necessary to inspect the site before preparing the design. The Government have already been requested to permit Mr.Fernandez to take up the work.

In the meantime, the Accountant-General was requested to inform the Board how the funds required by the Board would be made available. Copy of the letter addressed to the Accountant-General is enclosed. The Accountant General informs the Board that no power have been vested in the Treasurer for disbursing any portion of the amount for purposes specified in para 2 of the letter addressed to him. A copy of the reply has been enclosed for reference.

The object of the scheme is the erection of the Town Hall and to provide for the maintenance thereof. As the work has to be taken up immediately funds would be necessary to meet the expenditure.

I may be informed how the funds could be made available and what is the procedure to be adopted.

I have also the honour to request the Government to inform the Accountant-General the Treasurer to make the necessary disbursements.

Bilukatarai Baliga

President
Town Hall Trust.

Compd/

H.D.U.8/11

Office of the Accountant-General,
Madras, Fort St.George, 1st Novr.1938.

From

The Accountant-General,
(Book Section),
Madras.

To

The Chairman, Municipal Council
&
President, Town Hall Trust, Mangalore.

Sir,

Subject:- Town Hall Funds -- Investments.

*****

In reply to your letter No.11492/38, dated the 20th October 1938 on the subject indicated above, I have the honour to state that under paragraph 9 of the scheme for the administration of the fund, sanctioned in G.O.No.Ms. 1591 P.H., dated the 29th April 1938, the funds that may be accepted by the Board as donation towards the Town Hall, should be vested in the Treasurer of Charitable Endowments, Madras, and no powers have been vested in the Treasurer for disbursing any portion of the amount for purposes specified in para 2 of your letter. Any donati that may be received should, therefore, be remitted to this office.

The Charitable Endowment Act IV of 1890 and the rules thereunder will be available for sale by the Manager, Government of India Central Publication Branch, Civil Lines, New Delhi.

I have the honour to be
Sir,
Your obedient servant,
Sd/ x x
Asst. Accounts Officer.

/True Copy/

Mangalore,
8th November 1938.

B. Venkataraya Baliga
President,
Town Hall Trust, Mangalore.

Compd/

H.D.U.8/11

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Copy of letter No. 4492-32/36 dated the 28th September 1938 From - the President, Town Hall Trust, Mangalore, to the Accountant General, Madras.

Your above letter was placed before the meeting of the Board of Trustees of the Mangalore Town Hall Endowment Fund. The object with which the trust was formed is to construct a Town Hall for Mangalore. The money that is available for this will be required by the Board as it proposes to take up the work soon. It has therefore decided to request you to deposit the sum of Rs.15,000 referred to in your above letter in the South Kanara Central Co-operative Bank for a period of one year. If there is any objection for this/the Board has decided to request you to deposit the same in the Imperial Bank for a period of one year as a fixed deposit.

2/ In all probabilities the Board will have to begin to spend money towards the design and construction of the Town Hall. It has already decided to request the Consulting Architect to Government to come over to Mangalore in connection with the design and it has to pay his Travelling allowance etc. I therefor request you to let me know how the money required by the Board will be made available. I should also like to know whether the President of the Board can keep with him any money that may be got by the Board as donations towards the Town Hall in the Imperial Bank or in the Postal Savings Bank.

3/ I shall be glad to have a copy of the rules in the matter or a reference to one if any have been published under the Charitable Endowment Act.

/ True Copy /

Mangalore, 8th November 1938.

B. Venkataraya Baliga
PRESIDENT,
TOWN HALL TRUST, MANGALORE.

Compd/

H.8/11

4/12/38

5.

E+P. Hoefl.

Cos. 4891 4 F

From the President, Town Hall Trust, Bangalore

No. 11492/38/2023 8.11.38

Returnie as 20/1/39

Town Hall Funds —
Acpts — Procedure

Memo No. 4 8914-2F 8/12 dt. 38
Referred to the Collector of South Kanara for early remarks.
will 8/12/38 which should be sent through the A.C.
JD 10/12/38

To

The Collector of S. Kanara for (with ref. to enquiries to the returning officer)

JD 10/12

Issued with D.O. 12/12/38

SO... COLL... OFFICE.
13 DEC 1938
No.

15 DEC 1938
SOUTH KANARA

6

GOVERNMENT OF MADRAS

Education and Public Health department.

Memorandum No. 48014-2 F. dated 12th December 1938.

From the President, Town Hall Trust, Mangalore, No. 11492/38 D2, dated 8th November 1938.

Town Hall Funds - Expenditure - Procedure.

Referred to the Collector of South Kanara for early remarks which should be sent through the Accountant-General.

S.R.Kaiwar
Under Secretary to Government.

To the Collector of South Kanara (with enclosure in original to be returned with reply).

.....

Forwarded
(By order)

Superintendent.

N.Dis. 8513-38.

Resubmitted through the Accountant General, Madras.

As no powers have been vested in the Treasurer of charitable endowments for disbursing any portion of the amount relating to the Mangalore Town Hall Fund, I recommend that the Treasurer may be authorised to disburse the amount to the Board of Trustees constituted for the purpose when required.

South Kanara Collector's Office,
Mangalore, dated 23 - 12 - 1938.

For Collector.

U.S.3-1.

No. T.C.E.503 OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.
(Book Section)

25 JAN 1939

Fort St. George, 24th January *1939.*

Enclosures.

Forwarded.

3051

Assistant Accounts Officer.

To

The Secretary to the Government of Madras,
Education and Public Health Department,
M a d r a s.

vs

F 9

C.F. 30.

DEPARTMENT.

Received 26 JAN 1939 19

Registered 19

3271

Subject.

Town Hall Funds - Expenditure -- Procedure to be adopted -- Instructions -- Requested.

ffl-2 ante This Office letter dated the 8th November 1938.

ENCLOSURES.
No.
Spare copies

No. 11492/D2-38.

Station Mangalore, *Dated the* 18th January 1939.

From (Name) Sri B. Venkatarao Baliga, B.A.,B.L.,M.L.A.,
(Designation) President, Mangalore Town Hall Trust,
MANGALORE.

To The Secretary to the Government of Madras,
Education & Public Health
Department.
Fort St.George, MADRAS.

Sir,

DESPATCHED 25 JAN 1939

In G.O.No.2662, Public Works, dated the 20th December 1938, Government have declined to permit the Consulting Architect to give a suitable design for the Town Hall. The Board has been asked to get this done through professional architects who undertake it for reasonable fees. I therefore request that Government may be pleased to pass early orders on this office reference read above. Unless orders are issued to incur expenditure for the preparation of plans estimates

estimates and other incidental expenditure such as stationery postage stamps etc it will not be possible for the board to do any work.

B. Venkatarao Bahadur

PRESIDENT.

Compd/ 30/20/1.

H.D.U.20/1/39.

C No 48914 For the Pt.
Town Hall Trust No 11492/38 DV
dt 8-11-38.

Subject Town Hall Funds: Expenditure

G.O. 1591 P.H dt 29.4.38 regarding the ~~Rs. 3,48,000~~ for the ~~work~~ job has been taken by P.W.D. for them Ct. no. 3141 B/38. P.W.D. may kindly be requested to put up the G.O. urgently

JD
29/11/38

SRK
29-11-38

P.W.

No. 48914-I
29.11.38

ADDT SECRETARY TO GOVERNMENT
B
30 NOV 1938
3921
PUBLIC WORKS DEPARTMENT

P.W.D.

The G.O. is put up in the file relating to the grant of permission to Mr. J. Fernandez, C.A., to give a suitable design for the construction of a Town Hall at Mangalore. The file has been sent to Public and Finance for remarks.

E.S. He may be suggested to send again

× On 21.11.38

~~This registering for the G.O. on 2-12-38.~~

The receipt of the Lr may be awaited.

2/12/38

1.12.38

Exps want the G.O. urgently. Pl. see whether the G.O. cannot be got back from the Dept. dealing with the file now.

1/12

The G.O. is submitted at (S). E.X.P.H. may be requested to send the necessary intimation to the C.R.B.

1/12/38

1/12

Exps

Ed & PH Dept

Ws 3921. 68/38-1

1-12-38

2-DEC 1938

Memo no. 48914-2 F. dated 12-12-38 — 5 cf

CRB 3054- From the Collr of South Kanara, Cndt no N.Dis P513-28 dated 23-12-28. — 7 cf

From the A.G., Madras, Cndt No. T.C.E. 503 dated 24-1-29. — 8 cf

CRO. 3271- From the Pt., Mangalore Town Hall Trust., letter no 11492/P2-28 dated 18-1-29. — 9-10 cf

52120

P.T.O.

The Pt. Mangalore Town Hall Trust, agreeable to the Scheme framed in Go No. 1591 Pt. dated 29.4.38, required the Treasurer of Charitable Endowments to deposit a sum of Rs 15,000/- for a period of one year either in the South Kanara Central Co-operative Bank or the Imperial Bank, for the purpose of starting the work of construction of a Town Hall. The preliminaries to the work are drawing up of a suitable design by a professional Architect, and preparation of plans and estimates There will also be incidental expenditure in the nature of stationery, postage stamps etc to be incurred. The A.G. replied that no powers have been vested in the Treasurer for disbursing any portion of the Fund amount towards the objects mentioned above To an enquiry from the Pt, whether donations towards the Town Hall received by the Board of Trustees can be kept by him in the Imperial Bank or in the Postal Savings Banks, the Treasurer replied that it could not be done and that all amounts should be vested in him. The Pt. requested to be informed as to how he could draw funds for the purposes mentioned by him.

2. The matter was referred to the Collr of Mangalore. He states that as no powers have been vested in the Treasurer of Charitable endowments for disbursing any portion of the Funds amount, the latter

may be authorised to disburse the amounts to the Board of Trustees constituted for the purpose when required. The A.G. is apparently of the same opinion. ¶ 8 of

3. The administration of the "Mangalore Town Hall Endowment Fund" has been vested in a Board of Trustees constituted for the purpose. (vide clause 2 of the scheme). Clause 8 of the scheme runs as follows:— "The Fund shall be utilized for the erection of a proper public hall in Mangalore Town etc". Clause 12 of the scheme runs as follows:— "The Board, and after the dissolution of the Board, the Municipal Council, Mangalore, shall maintain regular accounts of the sums received and expended on account of the Town Hall etc". If the contention of the Treasurer of Charitable endowments at 'A' on f.3 ante is correct, it is not apparent what the several clauses of the scheme approved by Govt and extracted above mean and the purpose they serve. A public hall cannot be erected all at once without finishing certain necessary preliminaries. It appears that the several clauses extracted above if read together authorises the Treasurer to disburse amounts from the Fund towards meeting all necessary and sundry expenditure for the construction of a Town Hall. ¶ 7 of (S) ¶ 8 of (S) ¶ 8 of (S)

Yes. But there need be no objection to make it explicit rather than leaving it to be inferred.

SRK
10.2.39

4. If however, the views of the Collr & the A.G. are held to be correct, the Treasurer can be authorised only by modifying the scheme to that effect.

For this purpose, the Administrators of the Fund (viz Board of Trustees) should apply to Govt in the prescribed form for a modification of the scheme and then only action can be taken by Govt.

It is however submitted in this connection that there is no necessity to deposit any amount from out of the Fund with any Bank as suggested by the St. Mangalore Town Hall Trust, but that it will suffice if amounts required for use are drawn from the Treasurer as and when required.

5 Legal Dept may however be consulted in the matter first.

The clauses of the scheme have to be interpreted strictly

The objection of the A.G. is presumably to the payment of T.A. to the Consulting Architect. The simplest procedure is to modify the scheme suitably so as to cover incidental expenditure such preparation of plans and estimates etc.

Legal may advise.

SRK
10/2/39

S. C. 15/2/39
Legal

SRK 10.2.39

Dept of Legal Affairs 15-2-39

13 FEB 1939

1063

A

Cost Proc 48914-3 F&P
10-2-39

Legal Department

No modification of the scheme is necessary. The existing scheme should be deemed to permit of expenditure for incidental purposes like those mentioned in paragraph 2 of the letter to the Accountant-General at page 4, current file.

K.M.
15/2/39

15/2/39

Legal 1063-1
16.2.39.

Ed. Dept.

A draft order is submitted

20/2/39

20/2
S.

16 FEB 1939

6291

86/
/21/2

C.F. 16.

DRAFT FOR APPROVAL.

Date. Initials.

Endt 2 secn

	Date.	Initials.
When received for fair copying		
When copied		
When examined	24/2/39	
When signed		
When despatched.		

SUBJECT:— Ensmts - charnl Mayden Tn Hall Trust Fund - Expenditure Govt rec'd.

(S) READ AGAIN Gol591 Pt, dated 20/4 19 38.

" " " " " 19 .

READ *ALSO*:—

C No. 48914 From the Pt. Tn Hall Trust Mayd, No. 11492/38 dated 8/11 19 38.

C " 3051/39 C.M.C. 28 Hall " 8513/38 " 23/12 19 38.

AG Mar Bldg TC £503 24/1-1/39

C " 3291/38 Pt. Mayden Tn Hall " 11492/D28 TP 19/1/39

Order Ms. Resolution—Rout. No. 639 Pt, dated 21-2- 19 39.

The C.M.C Maydn w the Pt. Maydn Tn Hall Trust Fund has brought to the notice of Govt. that the AG has objected to drawing the necessary amount for making incidental expenditure for preparation of plans etc in connection with the Construction of a Tn Hall out of this fund vested in the T.C. for the purpose. The AG states that under paragraph 9 the scheme

power has been vested
in the T C & for
disbursing any portion
of the amount subscribed
for the Corporation Pk., Town Hall Trust, Mayalam.

2. The Govt. have
carefully examined the
question and are fully of
opinion that the existing
scheme should be
deemed to permit
of expenditure for incidental
purposes such as those
mentioned in paragraph 2
of the Presidents letter
No 11492-D2 dy 28-9-38.

SRK
20/2

GPR 21/2/39

J.

The Pk. C M.C.
Pk. Town Hall
Trust Fund, Mayalam
C/Mr. 28 Kanam
A.G.